



Serial Number 09/758,645
Attorney Docket No. 50021-0005

12/B
H/W/H
11-22-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hamilton, J. A. Group Art Unit: 2632
Serial No.: 09/758,645 Examiner: Tang, Son M.
Filed: 01/10/2001 Paper No. 11
For: INCIDENT RECORDING INFORMATION TRANSFER DEVICE

Attorney Docket No.: 50021-0005

Commissioner for Patents
Washington, D.C. 20231

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SECOND AMENDMENT PURSUANT TO 37 CFR § 1.111

Examiner:

This action is a result of a phone communiqué with the Examiner of record on August 1, 2002. (See Paper 10 "Interview Summary.") In a Final action mailed May 22, 2002, a new reference, never previously cited, was cited as anticipating and/or rendering obvious the claimed invention as previously amended in paper 6. This Final Rejection has now been withdrawn, and the instant action (Paper 9), substituted therefore. Examiners courtesy in talking with Applicants' Attorney and taking this action is appreciated.

This Amendment is submitted in response to the non-final Office Action dated August 9, 2002, which set a shortened statutory period of three months, making any response due by

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office, TC 2600 telephone number (703) 872-9314

Date: November 10, 2002

Signature

Alla Meyer

(type or print name of person certifying)

2632



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AMENDMENT TRANSMITTAL

1. Transmitted herewith is
- Second Amendment Pursuant to 37 C.F.R. §1.111 for this application (12 Pages)
 - Corrected Drawing -1 Page
 - Post Card

STATUS

2. Applicant is
- ☒ a small entity. A statement:
[] is attached.
☒ was already filed.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

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FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (703) 872 - 9314.

Date: November 10, 2002

Signature Hla Meyer

(type or print name of person certifying)

☐ other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$ 1,440.00	\$ 720.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	Addit. Fee
Total	46	Minus	52	=	x \$9 =	\$0.00	x \$18 = \$
Indep.	2	Minus	3	=	x \$42 =	\$0.00	x \$84 = \$
[] First Presentation of Multiple Dependent Claim					+ \$140 =	\$	+ \$280 = \$
					Total Addit. Fee	\$0.00	OR Total Addit. Fee \$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ _____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____.
☐ Charge Account No. _____ the sum of \$ _____.
 A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 502-398.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 502-398.



SIGNATURE OF PRACTITIONER

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